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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,412	04/03/2001	Grant Hood	A34187	1647
21003	7590	08/26/2004	EXAMINER	
BAKER & BOTTS 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			AVELLINO, JOSEPH E	
			ART UNIT	PAPER NUMBER
			2143	
DATE MAILED: 08/26/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/825,412	Applicant(s) HOOD ET AL.	
	Examiner Joseph E. Avellino	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2001.
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-17 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/13/01</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-17 are presented for examination with claims 1, 12, and 17 independent.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-14, and 16-17, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ziskind et al. (US pub. 2002/0073343) (hereinafter Ziskind) in view of Haste, III (USPN 6,665,389) (hereinafter Haste).

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4. Referring to claim 1, Ziskind discloses a method of facilitating exchange of messages at a computerized message exchange system, comprising:

storing a first plurality of usernames at said system, each of said first plurality of users associated with users of a first introduction service provider (i.e. AOL, MSN messenger, Yahoo! Messenger, etc.) (Figure 1; p. 2, ¶ 30-31);

storing a second plurality of usernames at said system, each of said first plurality of users associated with users of a second introduction service provider (i.e. AOL, MSN messenger, Yahoo! Messenger, etc.) (e.g. abstract; Figure 1; p. 2, ¶ 22, 30-31);

allowing users associated with said first introduction service provider access to selected ones of said second plurality of said second plurality of usernames, based on criteria associated with an originator of each of said selected ones of said second greetings, and criteria set by said first introduction services provider (i.e. an authorized user of the first system) (e.g. abstract; Figure 1).

Ziskind does not disclose storing a plurality of greetings at said system which greetings are associated with users. In analogous art, Haste discloses an introduction services provider which stores a plurality of greetings (i.e. video, and audio clip) at the server (Figure 1B). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Haste with Ziskind to provide blocking access of personal information to strangers in order to keep information private and confidential, thereby increasing overall personal security as supported by Haste (col. 1, lines 40-45).

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5. Referring to claim 2, Ziskind discloses allowing limits said second plurality of usernames to usernames associated with users of introduction service providers authorized by said first introduction service provider (i.e. only allowed to talk to people registered on the second site through the mediating server) (Figure 2, reference character 26-30). Ziskind does not disclose storing greetings, rather usernames. In analogous art, Haste discloses storing a plurality of greetings at the server (Figure 1B). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Haste with Ziskind to provide blocking access of personal information to strangers in order to keep information private and confidential, thereby increasing overall personal security as supported by Haste (col. 1, lines 40-45).

6. Referring to claim 3, Ziskind discloses the invention substantively as described in claim 2. Ziskind does not specifically disclose limiting greetings accessed to those sanctioned by said first introduction service provider. Haste discloses matching greetings between people by matching a criteria based on the first person's desire to meet people pertaining to the same interests (e.g. abstract). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Haste with Ziskind to provide blocking access of personal information to strangers in order to keep information private and confidential, thereby increasing overall personal security as supported by Haste (col. 1, lines 40-45).

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7. Referring to claim 4, Ziskind discloses using data stored within a first field (i.e. in a database field) to determine users of other service providers are authorized by said first introduction service provider (i.e. if they are not authorized by the mediating server, then they are unable to interact with any users on the first provider) (Figure 1). Ziskind does not disclose storing greetings, rather usernames. In analogous art, Haste discloses storing a plurality of greetings at the server (Figure 1B). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Haste with Ziskind to provide blocking access of personal information to strangers in order to keep information private and confidential, thereby increasing overall personal security as supported by Haste (col. 1, lines 40-45).

8. Referring to claim 5 and 6, Ziskind discloses the invention substantively as described in claim 4. Ziskind does not disclose using a second data field to determine which interests are sanctioned by the first service provider in order to determine which of second greetings to retrieve by a database query. Haste discloses storing interests of a user in order to query a database in order to retrieve other users sanctioned by the first user (col. 2, lines 45-61). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Haste with Ziskind to provide blocking access of personal information to strangers in order to keep information private and confidential, thereby increasing overall personal security as supported by Haste (col. 1, lines 40-45).

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9. Referring to claims 7-9, Ziskind in view of Haste disclose the invention substantively as described in claim 6. Ziskind in view of Haste do not disclose the first and second fields are binary masks and the service provider identifiers are determined by using the binary mask in the first field. It is an inherent feature that the system of Ziskind must somehow determine which service provider a user corresponds to in order to figure out which affiliate messenger website to query for authentication information, however does not specifically state that this is done using a binary mask. "Official Notice" is taken that both the concept advantages of providing for binary mask fields in databases is well known and expected in the art. It would have been obvious to one of ordinary skill in the art to include a binary mask to the combined system of Ziskind and Haste to provide for a simplistic method of determining a selected user out of a plurality of users in a set, thereby reducing the complexity of the system while allowing for the ease of future upgrades or replacements.

10. Referring to claim 10, Ziskind discloses permitting a user of said first service provider to send a message to said users associated with said selected ones of said second plurality of greetings (e.g. abstract).

11. Referring to claim 11, Ziskind discloses levying a charge for sending said message, and tallying a total of charges for users associated with said first service provider (it is inherent that AOL charges a monthly service fee for being part of their

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system, and it would be obvious to one of ordinary skill in the art that the system described by Ziskind could levy a charge for being part of this service).

12. Claims 12-14, and 16-17 are rejected for similar reasons as stated above.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ziskind in view of Haste in view of Lamb et al. (USPN 6,747,970) (hereinafter Lamb).

13. Referring to claim 15, Ziskind in view of Haste disclose the invention substantively as described in claim 12. Ziskind in view of Haste does not disclose including an IVR unit for obtaining instructions from the user by with of a telephone network. Lamb discloses another message exchange system which includes an IVR unit for obtaining instructions from the user by with of a telephone network (col. 29, lines 20-25). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Lamb with Ziskind and Haste to allow users of a packet messaging service the use of contacting people by telephone when they do not have a messaging service provider or even Internet, thereby increasing interaction with people and allowing more people to meet one another.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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15. Fraccaroli (USPN 6,549,768) discloses a mobile communications matching system.
16. Krug et al. (USPN 6,721,736) discloses configuring a meta search engine.
17. Berstis (USPN 6,490,575) discloses a distributed network search engine.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (703) 305-7855. The examiner can normally be reached on Monday-Friday 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (703) 308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JEA
July 26, 2004


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SUPERVISORY PATENT EXAMINER
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